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PAGE 1/3 * RCVD AT 2/17/2009 4:13:39 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-5/38 * DNIS:2738300 * CSID:603 226 7499 * DURATION (mm-ss):00-44

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : James M. DAVENPORT, James N. CURTI,
Barry CRANDALL and Peter W. SALTER
Serial no. : 10/566,305
Confirmation No. :
Filed : with an effective filing date of July 27, 2004
For : RESPIRATORY THERAPY SYSTEM
INCLUDING A NASAL CANNULA
ASSEMBLY
Group Art Unit : 3743
Examiner :
Docket : SALTER P47AUSP1

The Commissioner for Patents
U.S. Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Dear Sir:

Upon filing the Information Disclosure Statement sent on February 6, 2009, the undersigned inadvertently paid a \$180.00 official fee (under fee code 1860) for late submission of an Information Disclosure Statement. Although this prior art was not filed with the United States Patent and Trademark Office within three (3) months of the original filing date of the above identified application, as no official action has yet to issue with respect to this case, it is respectfully submitted that it was not necessary to pay the \$180.00 official fee in order for this information to be filed and be substantively considered by the United States Patent and Trademark Office.

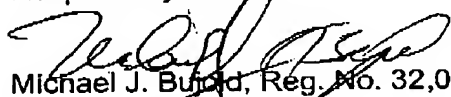
In view of the above, the undersigned hereby requests a refund, in the amount of \$180, be refunded to the office of the undersigned with respect to this case. Alternatively, the United States Patent and Trademark Office is authorized to credit \$180.00 to the below listed deposit account.

10/566,305

In the event that the United States Patent and Trademark Office does not believe that a refund is proper or appropriate in this case, please provide the undersigned with a formal explanation of why the same is not available.

If you have any questions concerning this matter or require further clarification, please contact the undersigned. In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Michael J. Bujold, Reg. No. 32,018

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